

Goal 5: Compliance and Environmental Stewardship

Improve environmental performance through compliance with environmental requirements, preventing pollution and promoting environmental stewardship. Protect human health and the environment by encouraging innovation and providing incentives for governments, businesses and the public that promote environmental stewardship.

Objective 5.1: Improve Compliance

Sub-objective 5.1.1: Compliance Assistance

A&B) Current State/Major Problems to be Addressed:

The Region 8 compliance and enforcement program attempts to integrate both traditional national enforcement program priorities and the unique nature of Region 8 and its priorities. The unique Regional issues and priorities focus on environmental impacts associated with mining and natural resource extraction, fossil fuels and energy generation and transmission, population growth, agriculture, federal and tribal lands, direct program implementation and environmental justice. The unique nature of Region 8 and our priorities direct our strategic plans not only for Compliance Assistance, but also Compliance Incentives and Monitoring and Enforcement.

The Region encompasses a large land mass (larger than any other Region, except Region 10). Tribes own a large portion of Region 8, which creates challenges associated with jurisdictional issues and direct implementation. While the population of the Region is currently low, much of it is densely clustered within the Denver and Salt Lake City areas. Nevertheless, these and other geographic areas are experiencing some of the most rapid population growth in the nation. The population distribution, tribal and federal lands and the size and populations of the states in the Region also require that the Region directly implement entire programs (including the Wyoming drinking water program). The Region's economy is also expanding from traditional industries including mining, fossil fuel (coal and oil) extraction, land based tourism and agriculture to significant growth and emphasis on alternative energy extraction, generation and transmission activity.

The Region contains significant land under tribal jurisdiction. Tribal reservations are large and widely dispersed in Region 8, though low in population. The Region provides direct implementation of many programs in Indian Country. Tribal policies and issues require significant dedication to Compliance Assistance and constrains the Compliance Monitoring and Enforcement process and outcomes. This situation, along with rapid growth and an emerging energy economy, and continuation of traditional agricultural activity creates significant environmental justice issues throughout the Region. Because much of the land within the Region is also federally owned, there are unique challenges in the area of tourism, energy, growth and jurisdictional issues.

Lastly, the Region has been a national leader and will continue to make significant contributions to the continuing national compliance assurance priorities and the emerging national enforcement program priorities of smart enforcement, increased use of data for enforcement, accountability and

state oversight and environmental justice. This includes use of the Region 8 Uniform Enforcement Oversight System and expansion of it to smaller and non-delegated programs, use of expedited enforcement policies and initiatives in the smaller and non-delegated programs, expansion of our Environmental Justice (EJ) program, and continued use and expansion of the Integrated Compliance Information System (ICIS), a web based tool for management and accountability, to monitor and direct environmental outcomes.

Over the last three years Region 8 has reached over 200,000 entities with some type of assistance (including on-site visits, tool development, outreach material, presentations, meetings, workshops and phone calls/e-mails). These activities involved business sectors such as agriculture, auto service, manufacturing, federal facilities, state, local and tribal governments, dry cleaners, metal services and petroleum refineries. EJ grants are used to target compliance assistance in EJ geographic areas or for particular populations such as farm workers.

One trend/challenge unique to an area of emphasis for Sub-objective 5.1.1 (Compliance Assistance) is to continually expand each type of outreach to cover the broadest audience, and increase the quantity and quality of outcome information from outreach efforts.

C) Regional Strategies/Approaches/Tools:

Over the next five years we plan to continue to improve the network of providers (that includes all levels of federal, state and tribal government), expand communication to improve program cohesiveness and effectiveness and increase information sharing to augment the number of entities reached through compliance assistance. We share the Agency goal of advancing the measurement of compliance assistance outcomes. Such outcomes include pollution reductions, improvements in facility environmental management practices and an increased understanding of environmental requirements. We plan to routinely incorporate outcome measurement into the planning and implementation of our compliance assistance activities where feasible. Per Agency guidance, we will increase our commitment to measuring outcomes of National Office of Enforcement and Compliance Assistance (OECA) and Regional priorities using a variety of follow-up methods (survey, pre and post tests, on-site revisit and self reporting). Additionally, any planned compliance assistance project using contract or grant funds will include outcome measures as well.

D) Primary Measures of Progress:

Per Agency guidance, the primary measures of the compliance assistance program are in the form of outputs and outcomes. Outputs include various activity totals such as number of on-site visits, workshops, presentations/meetings, phone calls/e-mails, outreach materials and tool development. Outcomes include increased understanding of environmental requirements, improved environmental management practices and reduced pollution. Region 8 will contribute to the national goals in a manner commensurate with available Regional resources.

Sub-objective 5.1.2: Compliance Incentives

A&B) Current State/Major Problems to be Addressed:

Self disclosures of non-compliance continue to be a viable and useful incentive for both the regulated community and Region 8. In connection with the Audit Policy, EPA has established, and

continues to establish, programs for promoting environmental compliance and the correction of violations by offering incentives provided to the regulated community in exchange for agreements to perform self-assessment, disclosure and the correction of violations. These incentives may involve reduced penalties for violations, extended time for correction, reduced inspections and/or other considerations. Over the last four years, Region 8 has received an average of nine self disclosures of violations each year, with the number generally increasing every year. As a result of this program, coordination with some of our states has increased and we have improved both state and EPA incentive programs.

The Regional trends/challenges applicable to this Sub-objective are more fully described in Sub-objective 5.1.1 above. Unique to this Sub-objective is that although progress has been made over the last four years, the Region plans to improve the success of this incentive program and expand its audience.

C) Regional Strategies/Approaches/Tools:

Over the next five years, the Region will expand its incentive program to include tribal lands.

D) Primary Measures of Success:

The primary measures of our incentive efforts include an increased number of self disclosures of violations received, which will result in operational improvements and/or pollution reduced. Measurement of such outcome results will be included where feasible. Region 8 will strive to contribute to the national goals in a manner commensurate with available Regional resources.

Sub-objective 5.1.3: Monitoring and Enforcement

A&B) Current State/Major Problems to be Addressed:

Over the last four years, both monitoring and enforcement efforts in Region 8 have remained vigorous. We conducted an average of 1,864 inspections a year through many program efforts, an average of 79 penalty orders were issued and an average of 136 compliance orders were issued. Additionally, the Region referred an average of 23 cases per year to the Department of Justice. The Region has placed great emphasis on the development and use of data for smart enforcement and targeting for environmental results and is tracking activities for all programs in ICIS. In the last three years, enforcement actions in Region 8 have had a total injunctive relief average value of \$166,205,164 per year. This figure represents actual environmental improvements in the area of emission controls, cleanup and restoration of contaminated media. Additional benefits of environmental actions include Supplemental Environmental Projects (SEPs). In the last three years, Region 8 has worked through our enforcement process and developed SEPs valued at approximately \$ 2 million per year on the average. These SEPs provide direct benefits to the communities surrounding facilities where Region 8 takes enforcement actions. In many cases these areas are environmental justice communities (North Denver and Pueblo, Colorado). Also through the use of SEPs, the Region is targeting renewable energy projects. Environmental benefits of enforcement actions for the last fiscal year include more than 10 million pounds of pollutant reductions as a result of our actions, more than 2.5 million pounds of contaminated soils removed and properly disposed and more than 120,000 people drinking safer water as a result of our actions. The Region has also been a national leader in the areas of accountability with its Uniform

Enforcement Oversight System and in the area of environmental justice.

As more fully described above in Sub-objective 5.1.1, the unique trends and challenges in Region 8 include impacts and issues associated with natural resource extraction, energy development, generation and transmission, growth, agriculture, federal and tribal lands, direct program implementation and environmental justice. These unique characteristics will continue to guide our strategic compliance and enforcement activities. We have developed strategies/tools/approaches to integrate both national and regional priorities.

C) Regional Strategies/Approaches/Tools:

In general, over the next five years, we will continue to use the full spectrum of approaches available. These include inspections, monitoring efforts, supplemental environmental projects (many of which will be targeted in EJ areas and to increase the Region's capacity for renewable energy), state oversight and work-share opportunities, capacity building of regulatory partners, informal and formal enforcement and others. The strategies/approaches/tools we will use can be grouped as both cross-cutting multi-program/media strategies and the more traditional (OECA, Memorandum of Agreement) enforcement program and sector strategies. The cross-cutting strategies address the areas of smart enforcement, better use of data for enforcement, accountability and environmental justice. Our traditional/Memorandum of Agreement (MOA) strategies include those to address national priorities. These are: petroleum refining (in exit strategy stage), New Source Review/Prevention of Significant Deterioration (NSR/PSD) requirements, air toxics (with a focus on Maximum Achievable Control Technology standards), Wet Weather (including Sanitary Sewer Overflows, Concentrated Animal Feeding Operations and Storm Water), Resource Conservation and Recovery Act (RCRA) mineral processing (including extraction, illegal recycling operations, illegal dilution and misidentification of waste) and a tribal priority, focused on training, compliance assistance and capacity building and financial assurance (related to determining appropriate amounts of resources that companies need in order to meet their environmental responsibilities). A regional priority, agriculture/pesticides (primarily related to pesticide mis-use, cross-border issues and worker protection) is also an area of emphasis. The strategies to achieve our goals in each of these areas are described below.

Cross-cutting Priorities

EPA Region 8 will focus on smart enforcement, better use of data, accountability and environmental justice. In the area of smart enforcement, the Region will develop an approach that will allow us to maintain our presence, and address violations found in non-delegated and smaller programs, expedite activities and address the most significant problems and outcomes. To quickly and effectively deal with smaller cases, and focus our efforts on more significant violations and actions that result in direct environmental benefits, the Region will develop expedited enforcement efforts and strategies (such as in the Oil Pollution Act program). This approach relies on combining and expediting monitoring and enforcement processes, leading to an earlier return to compliance and shorter time frames in the area of litigation. The facilities agree to fix any compliance problems faster, and in exchange, EPA reduces penalties. The Region will need assistance from OECA in this effort. The Region will also increase its targeting capabilities (largely through use of better data for enforcement and the ICIS system) to achieve environmental

outcomes. We will move toward more timely and effective enforcement activities utilizing ICIS, expedited settlements, dealing with inspection and case backlog issues, model documents, better coordination and work share with Department of Justice and the states and the redirection of resources to areas of environmental impacts and outcomes. Emphasis will continue to be in the core programs and where the region has direct implementation responsibility.

In the area of better use of data, we will continue to use the ICIS system for all programs in order to track and expedite activities, measure and report both outputs and outcomes and direct activities to measure environmental results. The Region will also use the emerging “Watch List” concept to maintain core program integrity and as a tool to ensure regional and state accountability. Region 8 will also refine and supplement data and reports being developed in the context of the monthly ICIS Senior Managers reports, Regional Performance Management Tool, and OECA Regional Activities measures (OECA “trip” and End of Year Reports). These refinements will be used to deal with program corrections and enhancement of environmental outcomes.

With respect to accountability, the Region will rely and expand upon its Uniform Enforcement Oversight System (UEOS), which has been adopted as the model for the forthcoming national oversight system for state enforcement programs. Our expansion of the system will include evaluating and addressing issues in non-delegated and tribal programs, and providing increased accountability and differential oversight for delegated programs. The Region will also use the emerging OECA “Watch List” and other non-program review methods and approaches to supplement our accountability efforts.

In the area of environmental justice, EPA Region 8 has long been a national leader. The Region will continue to maintain regional, geographic and national efforts through the EJ organizational component of our Enforcement, Compliance and Environmental Justice (ECEJ) Office and through enhanced integration of EJ activities in other regional programs. Our EJ strategic plans are fully developed and outlined under two different objectives; Objective 5.1-Improve Compliance and Objective 4.2-Communities.

Traditional (MOA) Priorities

In addition to the above cross-cutting priorities we will continue to support national efforts and address unique regional issues and priorities. All programs will contribute to the cross-cutting priorities and will focus on traditional/MOA and regional priority-oriented efforts including:

Clean Air Act (CAA) Program: This program area will primarily focus on addressing our priority issues of energy, growth, smart enforcement and environmental justice through NSR/PSD work. In addition to the potential NSR/PSD investigations associated with the Refinery sector exit strategy, Region 8 plans to continue to support the national and regional NSR/PSD initiative through investigations at coal fired power plants.

Region 8, in conjunction with Region 8 states, plans to close out refinery sector work in the next two years through implementation of a leveraged and coordinated approach. We continue to

utilize unaddressed violations and commensurate enforcement actions to encourage refineries not yet involved in national or regional settlement conversations to resolve all potential violations of the “marquee” Leak Detection and Repair, Benzene Waste-National Emission Standards for Hazardous Air Pollutants, New Source Performance Standards Subpart J/Flaring and NSR/PSD requirements.

CAA -Maximum Achievable Control Technology (MACT): The MACT program will emphasize work to address the areas of energy and extraction industries. The Region will lead the oil and natural gas production MACT (maximum available control technology) development effort. We believe that there will be growth in the oil and gas transmission and production sector in our Region and this may include impacts on MACT Subpart HH and HHH and PSD/NSR issues. We will work with the states in the Region and industry to further develop our understanding of the potential problems in this sector.

Clean Water Act Program: The Water program will address the national and regional priority areas of energy and natural resource extraction and transmission, growth, agriculture, federal and tribal lands, direct implementation and environmental justice. In the area of Wet Weather, the Region will continue to work with the two existing Combined Sewer Overflow facility in Region 8. The universe of Sanitary Sewer Overflow’s (SSO’s) is currently being defined through a Region-wide inventory effort by the states and EPA. The Region is also compiling its own list of SSO events from additional sources (e.g., citizens complaints, newspaper articles and reported spills).

The Region will continue an ongoing effort to inventory Concentrated Animal Feeding Operations (CAFOs) and Animal Feeding Operations (AFOs) in Indian Country. To date, the Region has used ground surveys and aerial flyovers to inventory AFOs and CAFOs in these areas. Region 8 is currently tracking CAFOs identified through past inventory efforts and complaints. The program intends to perform follow up inspections at facilities that claim to have corrected unacceptable conditions to verify their current compliance status. It is anticipated that the Region will use a full range of enforcement actions from warning letters, information requests, administrative orders, administrative penalty orders and judicial referrals, using appropriate escalation in adherence with the Region 8 Tribal Policy.

Regional storm water efforts will focus on construction, auto salvage and municipal separate storm sewer systems (including the development and piloting of a municipal separate storm sewer system inspection protocol, along with providing related training to our states). Attention will continue in the areas of pretreatment, bio-solids, the §404 Wetlands program and the §311 Oil Pollution Act (OPA) program. The Wetlands program will continue to work with smaller landowners/farmers, who may be in need of regulatory information/assistance. These efforts will be closely coordinated with other federal agencies who may be involved. The OPA program will continue to use a geographical approach to identify violations, prioritize violations for actions, while emphasizing expedited settlements when appropriate.

Safe Drinking Water Act Program: The Drinking Water program will focus effort in the areas of direct implementation, environmental justice, growth and development and tribal lands. The

program has direct implementation responsibility for one state program, along with responsibility for all tribal public water supplies in Region 8 (875 plus facilities). The Region will focus efforts on ensuring optimum compliance with microbial rules at these facilities, placing a priority on violations which pose an acute health threat. Focus will also be given to small drinking water systems or those with part-time operators. The Region will work with its state partners to increase the awareness of small-system operators to their monitoring and reporting requirements and to build small systems technical and financial capacity to perform the required activities. The resolution of Significant Non-Compliance at facilities continues to be a priority for the Region.

The Underground Injection Control (UIC) program will continue to focus its efforts on Class V wells, along with a strong field presence in Indian Country, where a significant number of waste injection wells (mostly Class II) operate.

Pesticides Program: Focus will continue priority areas of agriculture, direct implementation, tribal lands, homeland security and environmental justice. This will be accomplished through field presence in the core areas of the non delegated Federal Insecticide Fungicide, Rodenticide Act (FIFRA) program. The Region will continue its efforts in the Worker Protection Standard Program and the interface of that program with EJ concerns and applications. We will continue to use and promote the National Agriculture Compliance Assistance Center for access to compliance materials related to FIFRA core functions, worker protection requirements and other EPA requirements that may impact the agricultural community. Pesticide producing establishments and restricted use pesticide dealerships offer opportunities to provide information and bolster cross cutting/program efforts in homeland security. The Region will also continue to address international and Canadian border pesticide issues.

Toxic Substances Control Act (TSCA) and Emergency Planning and Community Right-to-Know Act (EPCRA) Programs: The EPCRA program will primarily support work in the agriculture, energy, direct implementation, use of data for enforcement and environmental justice priority areas. This program will also focus on unique homeland security priorities. The program will continue focus on ensuring regulated facilities disclose accurate information of toxic chemicals that are used/stored on-site. Currently, new regulations will require focused assistance on EPCRA §313 for new reporters and the asbestos Worker Protection Rule (TSCA §403). Efforts will continue with data quality inspections, along with other screening and targeting tools to focus limited federal resources on national and regional priority areas. A potential area of emphasis is to target facilities that meet reporting criteria but have not reported to EPA.

The TSCA (Toxic Substances Control Act) program will emphasize work in the environmental justice, direct implementation, tribal and federal lands and growth priority areas. These will be addressed by the program continuing work with lead-based paint issues, including the Lead Disclosure Rule (§1018) and §402/§403/§406. There have been several new rules that merit increased activity and an increased field presence. The Region will continue to screen tips and complaints for potential violations of §1018, as well as the §402 Abatement, Training and Certification rule and the §406 Renovator and Re-modeler Rule. We will continue to support and contribute to the Agency goal of 9,000 lease reviews each year. Coverage in asbestos will

continue under the Asbestos Hazardous Emergency Response Act and asbestos MACT. The Polychlorinated Biphenyls (PCBs) program will continue to focus on the decommission of PCB-laden equipment, and the close monitoring of facilities that store and dispose of PCB contaminated materials.

EJ/Community Outreach: This program is cross-cutting in nature, involves multi-program efforts and is more fully described in Objective 4.2-Communities of this Strategic Plan. In summary, areas of emphasis include public water supply to migrant farm worker camps, air emissions specific to facilities in the Pueblo and North Denver EJ geographic initiative areas, National Environmental Policy Act issues related to Coal Bed Methane, the Missouri River and the I-70 area. The EJ program will continue work on Total Maximum Daily Load issues for the Cheyenne River Sioux, Superfund issues in the I-70 geographic areas and Base Realignment and Closure, RCRA and SEP's issues in the Pueblo area. EJ will continue to be an integral part of all program efforts in Region 8, to ensure that all EJ concerns are addressed. The Region will continue to ensure that the public has access to data about high-risk communities.

RCRA Program: The RCRA program will primarily address the strategic areas of energy and natural resource extraction. Ongoing efforts will continue in the significant national enforcement efforts associated with the magnesium industry. Focus of efforts will include the exit strategy related to the Brass Foundries sector, with primary activity in disposal of spent casting sand. Additional attention will be given to the problem of permit evaders. This effort will include facility screening, monitoring and other approaches. Work will continue in the areas of Underground Storage Tanks (UST), with many approaches such as monitoring, assistance and enforcement.

D) Primary Measures of Progress:

Per Agency and regional guidance, some of the measures for the monitoring and enforcement programs include increases in pounds of pollution reduced (air, water and land), injunctive relief amounts collected, the number of SEPs, populations impacted, environmental management systems (EMS) undertaken at regulated facilities and output numbers of various activities. Region 8 will strive to contribute to the national goals in a manner commensurate with available regional resources.

Objective 5.2: Improve Environmental Performance through Pollution Prevention, Innovation and Analysis

Sub-objective 5.2.1 Pollution Prevention and Promotion of Environmental Stewardship by Government and the Public

Pollution Prevention

A&B) Current State/Major Problems to be Addressed:

There are a significant number of public lands and federal facilities in Region 8. The Region has a formal partnership with the National Park Service Inter-mountain Region and with the USDA Forest Service to provide environmental compliance and pollution prevention technical assistance.

Under this partnership the Pollution Prevention Team has developed tools, training and technical assistance to help National Parks and National Forests eliminate environmental risks through pollution prevention and environmental management plans. Significant efforts are being directed to expanding the partnership approach to other land management agencies in Region 8.

Other federal facilities, including Department of Defense installations and Veterans Health Administration hospitals, are also widely distributed across Region 8. These facilities exhibit varying degrees of need for environmental compliance and pollution prevention technical assistance.

The decentralized organization and wide dispersal of these federal facilities limits the amount of technical assistance that can be offered to the facilities. The Pollution Prevention Team receives many requests for on-site assistance, and must find more effective ways to provide this help.

C) Regional Strategies/Approaches/Tools:

The regional pollution prevention strategy is to focus on tools, training and technical assistance identified by the customer agency. These tools include the OECA Environmental Management Review (EMR) policy, various models of environmental management systems (e.g., the ISO 14001 EMS standard) and the EPA Generic Protocol Phase III. This strategy aims to bridge gaps between federal, state and local agencies by expanding opportunities for them to work together in areas of common interest and need.

D) Primary Measures of Progress:

Success will be measured by the number of facilities that implement an Environmental Management System with EPA's assistance. Other measures include the number of facilities that are hazardous waste-free, develop pollution prevention programs, use green chemicals and institute a hazardous materials communication plan with EPA assistance. The ultimate goal of these activities is to produce results that can be expressed in terms of pounds of pollutants reduced, gallons of water saved, BTUs of energy conserved and dollars saved through prevention and environmental stewardship.

National Environmental Policy Act (NEPA)

A&B) Current Conditions /Regional Trends and Challenges:

Region 8 has a high level of activity on proposed actions by federal agencies within the region. The majority of NEPA projects are from the Forest Service, Bureau of Land Management and the Federal Highway Administration. EPA also has its own NEPA actions, primarily for special appropriation grants.

The Region is experiencing a major drought which has led to more frequent and intense forest fires, and an increase in proposed water diversion and storage projects. In response to several bad fire seasons, federal land managers have been developing many NEPA projects to salvage timber or reduce fire risk. The Region is also in the midst of a major energy boom with many new projects for oil and gas, coal and coal bed methane. Additionally, there are several high-growth areas in the Region generating new highway and other infrastructure projects. EPA Region 8

interfaces with other federal agencies and promotes environmental stewardship and pollution prevention through the NEPA process. The NEPA process provides an early opportunity for EPA Region 8 to review federal actions which could have an effect on the environment. Region 8's NEPA responsibilities are particularly important considering the rapid state of development of oil, natural gas, coal, power plants and refineries in the Region. These trends have increased the workload for the Region's NEPA staff.

C) Regional Strategies/Approaches/Tools:

Given the vast energy resources (oil, natural gas, coal, power plants and refineries) in the Region and the rapid development of these resources, the NEPA program will participate actively in the development, review and analysis of the large number of significant energy development projects. The review of these projects affords the Region an opportunity to analyze and disclose the environmental impacts from energy resource development and to work with the lead agencies and state governments in the mitigation of those impacts. The early review and mitigation of energy-related projects is a high priority within the Region 8 NEPA program and consistent with overall regional priorities.

D) Primary Measures of Progress:

The Region follows the Headquarters program which measures the resolution issues for air, water, waste, habitat, etc. and the reduction of impacts through the NEPA process. NEPA strategic targets are: 70 percent of significant impacts identified by EPA in its Draft Environmental Impact statement review are successfully mitigated, and 80 percent of EPA projects subject to NEPA results in a finding of no significant environmental impact. Another important goal is to increase and strengthen tribal capacity to participate in the NEPA process through training and consultation with tribes. Increase actions of tribal governments participating as a cooperating agency where a project may impact Indian Country.

Sub-objective 5.2.2: Pollution Prevention and Promotion of Environmental Stewardship by Industry

A&B) Current State/Major Problems to be Addressed:

Tribal environmental programs are just beginning to focus on pollution prevention strategies. Many do not yet have the infrastructure to focus on pollution prevention efforts. Likewise, many of the state pollution prevention programs are small. Funding for state and tribal pollution prevention programs remains a challenge.

States have extensive direct contact with industry and therefore are in an excellent position to provide pollution prevention assistance. Pollution prevention grant dollars are targeted at state and tribal technical assistance programs that address the reduction or elimination of pollution across all environmental media: air, land and water. The Pollution prevention grant program meets the changing needs and priorities of state environmental programs.

C) Regional Strategies/Approaches/Tools:

The goal of EPA's pollution prevention grant program is to help states and tribes assist

businesses, industries and agricultural interests in identifying better environmental strategies and solutions for reducing waste at the source. Programs should reflect comprehensive and coordinated pollution prevention planning and implementation efforts for states and tribes. These efforts are augmented through partnerships and technical assistance programs.

Region 8 also promotes achievement of Sub-objective 5.2.2 through its core programs in waste management and pollution prevention and through active participation in the Resource Conservation Challenge (RCC). The Region is actively involved in six of the major focus areas or Clusters in the national RCC effort, including: targeted chemicals reduction, construction and demolition, electronics, tires, hospitals and green buildings. We are forming a Region 8 RCC Steering Committee to guide in significantly contributing to the national RCC Goals. The Steering Committee will document, recognize and promote efforts in Region 8 to fulfill national RCC goals within a well-defined communication structure. Its aim is to plan and implement activities supporting Sub-objective 5.2.2 across programs and in collaboration with Region 8 stakeholders and partners.

D) Primary Measures of Progress:

The primary measures of progress of pollution prevention activities include performance results reported by grantees GranTrac Report, case studies, EMS documents and published success stories.

Where data are available, the ultimate expression of the success of these activities can be measured in terms of pounds of pollutants reduced, gallons of water saved, BTUs of energy conserved and dollars saved through pollution prevention and environmental stewardship by industry and agriculture.

Sub-objective 5.2.3: Business and Community Innovation

A&B) Current State/Major Problems to be Addressed:

Recruitment for the National Performance Track Program: The Agency's voluntary National Performance Track program was originally designed to recruit industrial facilities. To date, Region 8 has signed 12 facilities to participate in the Performance Track program, one of which is a federal agency. Because of the number of federal land management agencies located within Region 8 and their commitment to implementing environmental management systems (EMS), Region 8 staff have been focusing their attention on the National Park Service (NPS) Intermountain Region and the USDA Forest Service to provide technical assistance with the implementation of EMSs in their facilities which would make them eligible to apply for the Agency's Performance Track program.

Regional participation in the Sector Strategies Program: The Agency's Sector Strategies program has identified 12 manufacturing and service sectors for the Agency to assess opportunities to improve environmental performance while reducing regulatory burdens. Of the sectors the Agency has selected, Region 8 has developed projects or relationships with the following sectors: agriculture, construction, forest products, colleges and universities and metal finishers. The Region

will work with Headquarters to share information and recruit participants for the pilot projects.

C) Regional Strategies/Approaches/Tools:

National Performance Track Program: Region 8 will recruit both federal and industrial facilities for the voluntary Performance Track program to receive the benefits of low priority for inspection, recognition as an environmental leader for going beyond compliance, meet with senior EPA managers and participate in annual recognition with the Administrator in Washington, D.C. Region 8 will plan and facilitate an annual regional recognition event with senior leadership.

Sector Strategies Program: Region 8 will participate in the Sectors Strategies program, with members of the agriculture, construction, forest products, colleges and universities and metal finishing sector. Participation will include identification of a regional contact person, providing technical assistance, promoting tools like Environmental Management System (EMS) templates and encouraging participation in national pilot projects where applicable.

D) Primary Measures of Progress:

- The number of federal facilities implementing an Environmental Management System
- The number of federal and industrial facilities accepted into the Agency's Performance Track program
- The number of facilities participating in the regional and national recognition events.

Sub-objective 5.2.4: Environmental Policy Innovation

A&B) Current State/Major Problems to be Addressed:

Region 8 and its partners have several projects underway to demonstrate how innovative approaches can save time and money, both for government and industry, while achieving equivalent or better environmental results. These projects include:

- Developing and implementing a trading framework to reduce selenium levels in the Lower Colorado River
- Using a multi-stakeholder approach to improve air quality in a low-income Denver neighborhood
- Providing resources for the development of supplemental environmental projects to increase the effectiveness and environmental outcomes of these projects
- Demonstrating the use of in-vessel technology to compost food waste from a university campus
- Informing tribes and rural governments of innovative technologies to address infrastructure needs
- Modifying the UIC permitting process to save time and resources for government and regulated facilities
- Working with the State of Colorado to develop a permitting system that encourages continual improvement through environmental management systems in industrial and agricultural operations.

While some state and local agencies in the Region are proactively seeking innovative approaches, others may be less inclined. Some projects require a great deal of coordination within and between

agencies and will require these agencies to consider changing the fundamental way we do business.

C) Regional Strategies/Approaches/Tools:

Region 8 will provide funding and technical assistance for projects that support the goals of the Innovations Strategy. We will work with governments, organizations, businesses and sectors that have the greatest interest in partnering with us and the greatest potential for environmental improvement. We will use incentive based approaches, promote the development of environmental management systems and work collectively with stakeholders to demonstrate innovative approaches.

D) Primary Measures of Progress:

From the projects that we fund and provide technical assistance to, Region 8 will measure how the innovative approach provides greater benefit to the environment and saves time and money, both for government and industry. Using the innovations catalog developed by Headquarters, we will measure progress by the number of innovative projects conducted in Region 8.

Objective 5.3: Build Tribal Capacity

A&B) Current State/Major Problems to be Addressed:

Region 8 works with 27 tribes located on 26 reservations. The total land area of those reservations is 42,697 square miles, an area exceeding that of the State of Tennessee. The tribes and Region 8 are working to address numerous environmental needs including: impacts of past energy development on reservations; potential conflicts between the benefits of tribal economic development and of resource extraction versus traditional tribal commitment to honoring and preserving the environment; impacts on water quality from mining and agriculture; failing infrastructure impacting the safety of drinking water supplies and effectiveness of waste water treatment systems; inadequate solid waste management; protecting relatively high quality environments from degradation caused by off-reservation sources; and, finding or developing methods to clean up public and private buildings with lead paint, asbestos and PCB contamination. Adding even more complexity to these issues is the potential for adverse litigation that could lead to diminishment of tribal lands or infringement of tribal sovereignty.

Most of the Region 8 tribal environmental programs are in the early development stages. The General Assistance Program (GAP) supports development of tribal environmental programs, but does not provide a mechanism for long-term implementation. Region 8 retains the responsibility for directly implementing every federal environmental program on all 26 reservations. With reservations spread to the far corners of Region 8, far away from any regional transportation hubs, we can offer only limited on-site technical assistance.

Most tribes do not have a sound economic base, and income levels are very low. Tribes are unable to financially support their developing environmental programs, and grant funds available through EPA are often restricted by statutory requirements. Inadequate funding levels are mostly responsible for high turnover rates within tribal environmental programs, and are also a factor in

limiting tribes' ability to attract highly qualified candidates to work in tribal programs. A stable national funding base for tribal programs is needed.

C) Regional Strategies/Approaches/Tools:

Region 8 joins with other regions and headquarters offices to seek stable national funding to support the developing tribal programs.

Region 8 and several tribes together maintain a strong presence in the national tribal program, actively participating in the Tribal Operations Committee (TOC) meetings with the Administrator. The TOC is currently assessing national budget needs, working on development of the new National Strategic Plan and defining creative means to enhance tribal capabilities while seeking to ensure protection of human health and the environment in Indian Country. The Deputy Regional Administrator has been one of the strongest proponents among EPA senior managers for directing the growth of the tribal program nationally. His presence and strong commitment helps raise awareness of tribal issues, especially among his peers in Headquarters and other regions.

Various programs in the Region work actively with tribes, and a monthly call is held with the Tribal Environmental Directors to discuss plans and accomplishments. Increased frequency of communication with tribal leaders was initiated by the Regional Administrator in the form of a Tribal Leaders Summit and Legal Roundtable, plus an occasional newsletter. A planned new communication tool is an annual report on the issues faced and successes achieved by the tribes and EPA Region 8. Personnel details from tribes to EPA, and from EPA to another federal agency, have occurred. The potential for tribes to share contract help is being explored.

A Memorandum of Understanding (MOU 2000) among 16 federal agencies (with 32 signatures) was reached on January 18, 2000 and is being implemented within Region 8 to bring a combined focus on projects of special priority to tribes. "MOU 2000" is unique nationally, and has been used to address such matters as destroying long-buried dynamite caches, creatively pooling resources to extend water lines to homes that had naturally-occurring high arsenic levels in their wells, and enhancing emergency response capability for a tribal community. Other successful efforts to leverage resources with other agencies are built on potential Supplemental Environmental Projects related to various enforcement actions.

The Region and various tribes are using the Congressionally authorized Direct Implementation Tribal Cooperative Agreement (DITCA) authority to increase effectiveness in Indian Country. Through these agreements, EPA and tribes can develop work plans to implement portions of EPA direct implementation programs through use of qualified tribal employees. Region 8 is committed to the successful use of DITCAs to develop tribal environmental capacity and improve the Indian Country environment.

Tribes are encouraged to prepare program plans, sometimes to be incorporated into formal Tribal EPA Agreements (TEAs) or Environmental Management Plans, to aide in their program development. Training and technical assistance is provided for tribal staff.

Also, a financial technical assistance contract has been developed to conduct independent reviews of tribal finance departments to assess adequacy of tribal financial procedures and provide necessary training.

D) Primary Measures of Progress:

It is important to note that all measures within the Strategic Plan are relevant, particularly where programmatic measures indicate the degree to which public health and environmental protection is achieved. We recommend that a parallel measure be included in the Agency Strategic Plan, specific to Indian Country, so that the Agency can track effectiveness and progress of each program. Elements to include are measures that can capture the following:

- The extent of tribal and EPA presence in Indian Country to address environmental issues
- Increases in monitoring and assessments
- Increase the number of tribes with environmental monitoring and assessment activities under EPA-approved quality assurance procedures
- Increases in the stability and level of funding for both tribal programs and EPA's direct implementation capabilities
- The number of programs delegated to tribes
- The number of DITCAs implemented with tribes
- Increased training opportunities for tribal financial departments
- Increased communications with tribal leaders such as an occasional newsletter, an annual report and reinstating the Tribal Leaders Summit and Legal Roundtable
- Continued emphasis on building strong relationships with tribal environmental programs using a combination of methods such as:
 - the Regional Tribal Operations Committee,
 - Annual or biannual EPA/Tribal program-specific coordination meetings,
 - developing project specific EPA/Tribal work teams
- Enhancing interagency/tribal communication networks developed under MOU 2000 or similar agreements
- Eliminate data gaps for environmental conditions for major EPA water, land and air programs
- Disseminate education and training to businesses in Indian Country
- Increase the quality of information available to assess conditions in and affecting Indian Country by working in partnership with tribes
- Work with the Tribal Science Council in their efforts to develop options for new risk models that are based upon culturally appropriate research to better understand the needs of tribal communities.